

**REMARKS**

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1, 2 and 4-6 remain pending, wherein it is proposed to amend claims 1, 2 and 5. Entry of these amendments in the period after a final rejection is appropriate because these amendment place the application in immediate condition for allowance.

Claim 1 is objected to for a minor informality. Claim 1 has been amended to address the formality matter, and accordingly, withdrawal of this ground of rejection is respectfully requested.

Claim 5 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,775,843 to McDermott ("McDermott"). This ground of rejection is respectfully traversed.

McDermott does not anticipate claim 5 because McDermott does not disclose "when the channel corresponding to the channel changing instruction is not stored in the memory, selecting a predetermined sub-channel in a same channel as a desired channel or selecting a predetermined sub-channel in a same physical channel as the desired channel."

The final Office Action interpreted this claim element, prior to the proposed amendment, as merely requiring "selecting a predetermined sub-channel in the same channel as a desired channel", and did not consider the

condition of when this occurs. Although Applicants respectfully submit that the claim prior to this amendment required consideration of this condition, because the condition was an adverb clause modifying the verb “selecting”, Applicants have amended the claim to clarify that the condition applies to both selecting a predetermined sub-channel in a same channel as a desired channel or selecting a predetermined sub-channel in a same physical channel as the desired channel.

The final Office Action does not assert that McDermott discloses either of these particular selections when the channel corresponding to the channel changing instruction is not stored in the memory, and it is respectfully submitted that McDermott does not disclose such. In particular, McDermott discloses that when a user selects a virtual channel that is not in the virtual channel table (VCT) (“No” path out of decision step 626), then tuning is stopped and a message is displayed on the screen (step 630). *See Fig. 6 of McDermott.* Accordingly, McDermott does not disclose that “when the channel corresponding to the channel changing instruction is not stored in the memory”, a predetermined sub-channel in a same channel as a desired channel is selected or a predetermined sub-channel in a same physical channel as the desired channel is selected. McDermott, therefore, cannot anticipate claim 5, and this rejection should be withdrawn.

Claims 1, 2 and 4 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of McDermott and U.S. Patent No. 6,707,508 to Mears et al. ("Mears"). This ground of rejection is respectfully traversed.

Claim 1 has been amended to clarify that when the control unit finds channel information for the desired channel in the memory, the control unit tries to select the channel by referencing the VCT thereof, and when the control unit could not find the desired channel because the channel is not currently being aired and failed in the channel selection, the control unit obtains the latest VCT to thereby select such a channel in the VCT that has the smallest sub-channel number in the same main channel as the desired channel or such a channel that has the smallest sub-channel number in the same physical channel as the desired channel.

As discussed above, McDermott discloses that when a user selects a virtual channel that is not in the virtual channel table (VCT) ("No" path out of decision step 626), then tuning is stopped and a message is displayed on the screen (step 630). McDermott does not explicitly describe what occurs when a user attempts to tune to a channel that is not currently being aired. Therefore, McDermott cannot disclose or suggest that when a channel cannot be found because it is not currently being aired, that a control unit "obtains the latest VCT to thereby select such a channel in the VCT that has the smallest sub-channel number in the same main channel as the desired channel or such a channel that

has the smallest sub-channel number in the same physical channel as the desired channel obtains the latest VCT,” as recited in Applicants’ claim 1.

Mears discloses that when a user enters a valid channel number but an invalid subchannel number, the unit will tune to the first available subchannel for the main channel. Col. 6, lines 60-65. Mears does not, however, disclose or suggest that the latest VCT is obtained when this occurs, or that the latest VCT is used to select the particular channel.

Accordingly, even if one of ordinary skill in the art would have been motivated to combine McDermott and Mears, such a combination would not disclose or suggest that “when the control unit finds channel information for the desired channel in the memory, the control unit tries to select the channel by referencing the VCT thereof ... and when the control unit could not find the desired channel because the channel is not currently being aired and failed in the channel selection, the control unit obtains the latest VCT to thereby select such a channel in the VCT that has the smallest sub-channel number in the same main channel as the desired channel or such a channel that has the smallest sub-channel number in the same physical channel as the desired channel,” as recited in Applicants’ claim 1.

Claim 2 recites similar elements to those discussed above with regard to claim 1, and is patentably distinguishable over the combination of McDermott and Mears for similar reasons.

Claim 4 is non-obvious in view of the combination of McDermott and Mears at least by virtue of its dependency from claim 2.

For at least the forgoing reasons it is respectfully requested that the rejection of claims 1, 2 and 4 as being obvious in view of the combination of McDermott and Mears be withdrawn.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of McDermott and U.S. Patent No. 6,483,547 to Eyer ("Eyer"). This ground of rejection is respectfully traversed.

Claim 6 depends from claim 5. Eyer, however, does not remedy the above-identified deficiencies of McDermott with respect to claim 5. Accordingly, the combination of McDermott and Eyer cannot render claim 5 or 6 unpatentable.

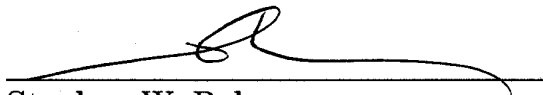
For at least the forgoing reasons it is respectfully requested that the rejection of claim 6 as being obvious in view of the combination of McDermott and Eyer be withdrawn.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 010482.50891).

Respectfully submitted,

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